

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT
for the
Northern District of Oklahoma

FILED

NOV 20 2020

Mark C. McCartt, Clerk
U.S. DISTRICT COURT

United States of America
JUAN PANIAGUA NUNEZ

Case No. 20-MJ-457-JFJ

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 9, 2020 in the county of Tulsa in the
Northern District of Oklahoma, the defendant(s) violated:

8 U.S.C. § 1326 *Code Section*

Unlawful Reentry of Removed Alien *Offense Description*

This criminal complaint is based on these facts:
See Attached Affidavit DO Tabitha Lahita, ICE

☒ Continued on the attached sheet.

Sworn to before me *by phone* and signed in my presence.

Date: 11-20-20

City and state: Tulsa, OK

[Signature]
Complainant's signature

DO Tabitha Lahita, ICE
Printed name and title

[Signature]
Judge's signature

United States Magistrate Judge Jodi F. Jayne
Printed name and title

AFFIDAVIT

Affiant is a Deportation Officer with Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO). I have been an Officer with ICE since August 2018. Beginning in February 2020, I have been assigned to the Criminal Alien Program, Fugitive Operations Team, and ERO Criminal Prosecutions in Tulsa, OK. Prior to this assignment, I was an Officer at the Okmulgee, OK, Sub-Office and assigned to the Detention Section. Prior to working for ICE, I worked for the Tulsa County Sheriff's Office as a Deputy. I was also cross-trained as a Designated Immigration Officer with the 287(g) program since February 2013.

During my current assignment with the ERO Criminal Prosecutions, I am tasked with reviewing cases encountered at the Tulsa sub-office in Tulsa, OK, by our Criminal Alien Program and members of the 287(g) program. The 287(g) program is a joint operation between ICE and Detention Officers of the Tulsa County Sheriff's Office. Said Detention Officers have been cross-trained by ICE as Designated Immigrations Officers (DIO) to assist in the identification and processing of undocumented aliens or those that have violated their lawful status in the United States. After a subject is booked into the Tulsa County Jail, if a 287(g) certified Detention Officer has suspicion that a subject was not born in the US, then the subjects fingerprints and biographical information are submitted to the Integrated Automated Fingerprint Information System (IAFIS) and the Automated Biometric Identification System (IDENT). Subjects that are amenable to removal are then administratively processed for either their immigration hearing or for removal. Those subjects that have been identified as being previously removed and returned to the US unlawfully are then referred to me for further review to ascertain if the subject meets the criteria for federal prosecution under 8 USC 1326 for Reentry of a Removed Alien.

Affiant received the information below from reports of and oral conversations with other law enforcement officers:

Juan Paniagua-Nunez was arrested in Tulsa, by the Tulsa Police Department on October 15, 2020, and booked into the Tulsa County Jail for the offenses of for Carrying a Firearm While Intoxicated and Reckless Handling of a Firearm. Upon encounter on October 15, 2020, Designated Immigration Officer Bryan Patino with the Tulsa County Sheriff's Office submitted Paniagua-Nunez's fingerprints into the IAFIS and IDENT systems, which returned records that Paniagua-Nunez is an alien and Mexican national with an A-File number A087 953 532. Paniagua-Nunez's A-File reflects that he has been removed from the United States on one occasion, taking place on January 4, 2010, at or near Calexico, CA. Further checks conducted through the FBI, ICE, and Citizenship and Immigration Services (CIS) databases verified that Paniagua-Nunez had never filed any application for permission to re-enter the United States and had never received consent from the Secretary of Homeland Security to reapply for admission to the United States.

On November 9, 2020, DIO Carr advised Paniagua-Nunez of his *Miranda* rights by reading them to him. Paniagua-Nunez stated that he understood his rights and waived those rights in writing. After doing so, Paniagua-Nunez agreed to provide a sworn statement concerning his prior removal and stated he

unlawfully reentered the country sometime in 2010, at or near Calexico, CA. Paniagua-Nunez's removal order was reinstated using form I-871, Notice of Intent/Decision to Reinstate Prior Order

Based on the foregoing, affiant believes there is probable cause to arrest Juan Paniagua-Nunez for the following violation of law:

8 U.S.C. § 1326 – Unlawful Reentry of Removed Alien

Respectfully submitted,


ICE ERO Tabitha Lahita

by phone
Subscribed and sworn to before me on November *20th*, 2020.


JODI F. JAYNE
UNITED STATES MAGISTRATE JUDGE